

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1-8 and 10 under 35 U.S.C. 102(e) as being anticipated by US 2003/0224854 (herein "Joao"). The rejection was premised on a broad interpretation of step (c). The Examiner thought certain language of step (c) could be interpreted in several ways, including a way that would read on Joao. Such an interpretation was not intended and claim 1 has been amended to specify that the instructions from the user specify criteria including at least a sporting contest, and a change in the wagering information within a discrete time step just prior to the commencement of the sporting contest.

As previously pointed out, paragraph [0008] of Joao states that "the present invention can also be utilized to allow a user or individual to pre-request to receive information regarding the occurrence of a gaming event or a gambling event." That paragraph goes on to state that a notification message can be issued to a user "informing the user or individual of anyone or more of a gaming event, a gambling event, gaming activity, gambling activity, and/or of information regarding a gaming event and/or a gambling event."

There is nothing in this paragraph relating to a user requesting that a notification be issued dependent upon the movement in the wagering information in a discrete time step prior to the commencement of the sporting contest.

Paragraph [0257] of Joao discusses the provision of a notification to a user of any new gaming activities or gaming events about which the user desires to be notified. It provides an example relating to a user wishing to bet on a boxing match and requesting notification when information regarding a boxing match is posted on a central processing computer or server computer. The paragraph goes on to outline a user request for notification when different or more favorable odds are posted to a gaming activity or event. The paragraph notes that the notification is issued "if and when" the odds may be changed.

Lastly, in paragraph [0425] of Joao, discussed is a notification if betting odds (or a handicap or spread for a game) change regarding a gaming event such as a horse race or NFL Super Bowl game. Again, this is a generic request to be alerted if and when the particular parameter changes.

While Joao has some similarity to the method of claim 1 in a broad sense, lacking is any disclosure of the importance of the time before the start of the sporting contest or event. The above paragraphs simply describe a generic update to be policed and issued if the odds change.

The method of claim 1 provides the ability to track data in real time and issue alerts to users based on the changes in the wager data information set just prior to commencement of the sporting event, e.g. in the last few minutes, as these changes typically signify the entry into the wagering market of the educated wagers.

If the prior art disclosure of Joao issued an alert every time wagers changed, then a user would be getting a number of alerts, even if they are only issuing notifications in relation to the changes for a single contest. In practice, if a single horse race was of interest to a user, the user could receive at least 10-15 notifications over the course of the wager window for that horse race. The user would then have to filter the notifications to determine which notifications were useful/valuable and which were not.

The method of claim 1 instead provides the user with an alert containing the notification relevant to the user at the time step determined by the user. The user only has to wait for a single notification rather than many and once the notification is received, can act immediately without filtering the information. It is this decisiveness that allows the user to be ahead of the market reaction and thereby gain advantage. The concept of the discrete time step prior to the start of the contest is not disclosed nor suggested by Joao and therefore, the reference is insufficient to anticipate claim 1. The difference in concept may be subtle but is significant.

The dependent claims recite still further features not found in a combination similar to that claimed. Inasmuch as the dependent claims are allowable for at least the same reasons as the claims from which they depend, the Examiner's comments in respect thereof need not be addressed and this should not be construed to be an acquiescence in the contentions made by the Examiner.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance. Should the Examiner fail to see the above-discussed difference, request is made for the Examiner to contact the undersigned in an effort to advance this application to grant.

Respectfully submitted,

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